

NORTHERN MARIANA ISLANDS

| Legal System | Constitution | Bill of Rights | Form of Government |
|-----------------------------|--------------|----------------|--------------------|
| Common Law Statutory Law | Written | Yes | Republic |

A. Criminal Statutes

1. Human Trafficking and Related Offenses

a. 6 N. Mar. I. Code § 1502 (2005) – Involuntary Servitude

i. Summary

Under the Anti-Trafficking Act of 2005 (6 N. Mar. I. Code § 1501 *et seq.*), any person who “recklessly, knowingly, or intentionally subjects, or attempts to subject, another person to forced labor or services without due process of law” commits the crime of involuntary servitude. 6 N. Mar. I. Code § 1502.

The Code defines “forced labor or services” as “labor or services that are performed or provided by another person” obtained under threat of injury, physical restraint, abuse of legal process, or criminal coercion. 6 N. Mar. I. Code § 1501(h).

ii. Sentencing

A court may sentence a person convicted of involuntary servitude to a prison term of not more than 20 years, a maximum fine of USD 50,000, or both. 6 N. Mar. I. Code § 1506(a)(1).

The sentencing court also “shall order” the defendant to pay restitution, including “reimbursement or compensation to the victim or victims for every determined economic loss incurred as a result of the defendant’s criminal conduct.” 6 N. Mar. I. Code § 1506(b).

iii. Statute of Limitations

Prosecution for a crime punishable by five years or more in prison must be brought within four years. 6 N. Mar. I. Code § 107(b)(1).

b. 6 N. Mar. I. Code § 1503 (2005) – Human Trafficking for Involuntary Servitude

i. Summary

A person commits the crime of human trafficking for involuntary servitude if the person “[k]nowingly recruits, transports, entices, harbors, provides, or obtains by any means, another person, knowing or with the intent that the person will be subjected to involuntary servitude.” 6 N. Mar. I. Code § 1503(a). The law further extends to those who conspire to do the same and for anyone who “[b]enefits financially or receives anything of value, from knowing participation in a venture” engaged in human trafficking. 6 N. Mar. I. Code § 1503(a)–(b).

ii. Sentencing

A court may sentence a person convicted of human trafficking for involuntary servitude to a prison term of not more than 20 years, a maximum fine of USD 50,000, or both. 6 N. Mar. I. Code § 1506(a)(2).

The sentencing court also “shall order” the defendant to pay restitution, including “reimbursement or compensation to the victim or victims for every determined economic loss incurred as a result of the defendant’s criminal conduct.” 6 N. Mar. I. Code § 1506(b).

iii. Statute of Limitations

Prosecution for a crime punishable by five years or more in prison must be brought within four years. 6 N. Mar. I. Code § 107(b)(1).

c. 6 N. Mar. I. Code § 1504 (2005) – Sexual Servitude of a Minor

i. Summary

A person commits the offense of sexual servitude of a minor if the person:

- (a) Knowingly recruits, entices, harbors, transports, provides, or procures by any means, a person under 18 years of age, with the intent of inducing the person to engage in any commercial sex act, conduct prohibited under the Sexual Abuse of a Minor statutes, ... or conduct prohibited under the Unlawful Exploitation of a Minor statute, ...;
- (b) Knowingly recruits, entices, harbors, transports, provides, or procures by any means, a person under 18 years of age, knowing that another will induce, or attempt to induce, the person being recruited, enticed, harbored, transported, provided, or procured, to engage in any commercial sex act, conduct prohibited under the Sexual Abuse of a Minor statutes, ... or conduct prohibited under the Unlawful Exploitation of a Minor statute, ...; or
- (c) Knowingly causes or attempts to cause a minor to engage in any commercial sex act, conduct prohibited under the Sexual Abuse of a Minor statutes, ... or conduct prohibited under the Unlawful Exploitation of a Minor statute

6 N. Mar. I. Code § 1504(a)–(c).

“Commercial sex act” means “any sex act or sexual conduct, including sexually explicit performances, on account of which anything of value is exchanged, given, promised to, or received by any person.” 6 N. Mar. I. Code § 1501(d).

The Code further provides that a defendant may assert, as an affirmative defense, that the defendant “reasonably believed” that the victim was 18 or older, so long as the victim was at least 15 years old at the time of the offense. 6 N. Mar. I. Code § 1504(d).

ii. Sentencing

Committing the crime of sexual servitude of a minor generally carries a maximum prison term of 25 years, a maximum fine of USD 50,000, or both. N. Mar. I. Code § 1506(a)(3). The Code provides a sentencing enhancement for offenses involving the “use or threat of force” or “fraud or coercion,” with a maximum prison term of 30 years, a fine not to exceed USD 50,000, or both. N. Mar. I. Code § 1506(a)(3).

The sentencing court also “shall order” the defendant to pay restitution, including “reimbursement or compensation to the victim or victims for every determined economic loss incurred as a result of the defendant’s criminal conduct.” 6 N. Mar. I. Code § 1506(b).

iii. Statute of Limitations

A prosecution for a “crime involving sexual contact, physical or sexual abuse, exhibitionism or sexual exploitation, committed against” a minor may be brought at any time. 6 N. Mar. I. Code § 107(a). Prosecution for other crimes punishable by five years or more in prison must be brought within four years. 6 N. Mar. I. Code § 107(b)(1).

d. 6 N. Mar. I. Code § 1505 (2005) – Transporting a Person for Purposes of Prostitution

i. Summary

A person commits the crime of transporting a person for prostitution if the person;

- (a) Knowingly recruits, transports, entices, harbors, provides, or obtains by any means, another person, knowing that the person will engage in prostitution; or
- (b) Conspires with another or attempts to engage in conduct described in subsection (a), supra; or
- (c) Benefits financially or receives anything of value, from knowing participation in a venture engaged in an act described in violation of subsections (a) or (b), supra.

6 N. Mar. I. Code § 1505.

ii. Sentencing

A person convicted for transporting a person for purposes of prostitution is subject to a maximum prison term of 10 years, a fine not to exceed USD 50,000, or both. 6 N. Mar. I. Code § 1506(a)(4).

The sentencing court also “shall order” the defendant to pay restitution, including “reimbursement or compensation to the victim or victims for every determined economic loss incurred as a result of the defendant’s criminal conduct.” 6 N. Mar. I. Code § 1506(b).

iii. Statute of Limitations

Prosecution for a crime punishable by five years or more in prison must be brought within four years. 6 N. Mar. I. Code § 107(b)(1).

e. 6 N. Mar. I. Code § 1506 (2005) – Forfeiture

In addition to criminal and civil penalties, “property knowingly used” as part of a violation of the Anti-Trafficking Act (6 N. Mar. I. Code § 1501 *et seq.*), and “money or property seized” as part of an investigation, are subject to forfeiture. 6 N. Mar. I. Code § 1506(c).

f. 6 N. Mar. I. Code § 1510 (2005) – Effect of Evidence of Initial Consent

A victim’s initial consent “to the particular labor or services” in violation of the Anti-Trafficking Act is not a valid defense. 6 N. Mar. I. Code § 1510. This provision requires the trier of fact to determine whether, “in light of subsequent events and actions, the victim’s consent was thereafter maintained through coercive methods, any initial consent notwithstanding.” 6 N. Mar. I. Code § 1510.

2. Online Child Sexual Exploitation and Child Pornography Offenses

6 N. Mar. I. Code § 1314 (2001) – Unlawful Exploitation of a Minor

3. 6 N. Mar. I. Code § 1360 *et seq.* (1999) – Sex Offender Registration Required

A person who visits, resides, is employed, or attends school in the Northern Mariana Islands must register as a sex offender if the person has been convicted of one of several enumerated “sex offenses” under Commonwealth and federal law. 6 N. Mar. I. Code § 1361. These “sex offenses” include the unlawful exploitation of a minor; video voyeurism of a minor; the production or distribution of child pornography; sex trafficking of a minor; sexual exploitation of children; selling or buying of children; possession of material containing child pornography;

production of sexually explicit depictions of a minor for import into the United States; transportation of a minor for illegal sexual activity; coercion and enticement of a minor for illegal sexual activity; and transportation of minors for illegal sexual activity. 6 N. Mar. I. Code § 1361(c)–(e).

B. Civil Liability Statutes

1. 6 N. Mar. I. Code § 1507 (2005) – Right to Bring a Civil Lawsuit

a. Summary

A victim of any provision of the Anti-Trafficking Act may bring a civil lawsuit in the Northern Mariana Islands Superior Court, without regard for whether a criminal prosecution has commenced. 6 N. Mar. I. Code § 1507.

b. Damages and Other Relief

The court may award actual and punitive damages, as well as reasonable attorney’s fees and other litigation costs. 6 N. Mar. I. Code § 1507.

c. Statute of Limitations

The Commonwealth’s general statute of limitations provision requires a lawsuit “for injury to or for the death of one caused by the wrongful act or neglect of another” to be brought within two years. 7 N. Mar. I. Code § 2503. Victims may bring lawsuits for actions not listed in the Code up to six years after their claims accrue. 7 N. Mar. I. Code § 2505.

If the person entitled to bring a lawsuit is a minor, insane, or imprisoned when the claim first accrues, the lawsuit may be commenced within the specified time limit after the disability is removed. 7 N. Mar. I. Code § 2506.

C. Additional Statutes Specific to Human Trafficking

1. 4 N. Mar. I. Code § 9211 *et seq.* – Minimum Wage and Hour Act

An employee may bring a civil lawsuit to recover unpaid minimum and overtime wages. The court may award a prevailing plaintiff attorney’s fees and costs. 4 N. Mar. I. Code § 9244. Willful violations of this provision entitle an employee to collect an amount equal to unpaid wages as liquidated damages. 4 N. Mar. I. Code § 9243. An employer found to have acted willfully may also face criminal penalties. 4 N. Mar. I. Code § 9242.

2. 6 N. Mar. I. Code § 1511 (2005) – Victim’s Right of Privacy

The Northern Mariana Islands Attorney General must take “all reasonable and legal measures” to prevent disclosure of the identities of victims and their families in prosecutions under the Anti-Trafficking Act.

D. Significant Cases

No significant cases regarding the Commonwealth’s trafficking statutes were found.

E. Academic Research/Papers

No academic research or papers were found regarding the Northern Mariana Islands’ human trafficking statutes.

F. Resources

National Human Trafficking Hotline (Northern Mariana Islands):

<https://humantraffickinghotline.org/state/northern-mariana-islands>

Shared Hope International, *Domestic Minor Sex Trafficking: Commonwealth of the Northern Mariana Islands* (May 2008):

http://sharedhope.org/wp-content/uploads/2012/09/CNMI_PrinterFriendly2.pdf

U.S. Department of Health & Human Services, *Northern Mariana Islands: Efforts to Combat Human Trafficking* (Sept. 2017):

https://www.acf.hhs.gov/sites/default/files/documents/otip/northern_mariana_islands_profile_efforts_to_combat_human_trafficking.pdf

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